



**NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 362**

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

S362-ARB-33 [v.2]

Page 1 of 2

Amends Title [NO]  
Second Edition

Date \_\_\_\_\_, 2019

Senator \_\_\_\_\_

1 moves to amend the bill on page 12, line 30, through page 13, line 32, by rewriting the lines to  
2 read:

3 **"PART VI. NONPROFIT CORPORATIONS RECEIVING REFUNDS OF SALES AND**  
4 **USE TAX**

5 **SECTION 6.(a)** G.S. 105-164.14(b) reads as rewritten:

6 '(b) Nonprofit Entities and Hospital Drugs. – A nonprofit entity is allowed a semiannual  
7 refund of sales and use taxes paid by it under this Article on direct purchases of tangible personal  
8 property and services for use in carrying on the work of the nonprofit entity. Sales and use tax  
9 liability indirectly incurred by a nonprofit entity through reimbursement to an authorized person  
10 of the entity for the purchase of tangible personal property and services for use in carrying on the  
11 work of the nonprofit entity is considered a direct purchase by the entity. Sales and use tax  
12 liability indirectly incurred by a nonprofit entity on building materials, supplies, fixtures, and  
13 equipment that become a part of or annexed to any building or structure that is owned or leased  
14 by the nonprofit entity and is being erected, altered, or repaired for use by the nonprofit entity  
15 for carrying on its nonprofit activities is considered a sales or use tax liability incurred on direct  
16 purchases by the nonprofit entity. The refund allowed under this subsection does not apply to  
17 purchases of electricity, telecommunications service, ancillary service, piped natural gas, video  
18 programming, or a prepaid meal plan. A request for a refund must be in writing and must include  
19 ~~any information~~ the following information: (i) name, (ii) mailing address, (iii) email address, (iv)  
20 registration number issued by the Secretary of State, if applicable, and (v) and other information  
21 and documentation required by the Secretary. A request for a refund for the first six months of a  
22 calendar year is due the following October 15; a request for a refund for the second six months  
23 of a calendar year is due the following April 15. The aggregate annual refund amount allowed an  
24 entity under this subsection for the State's fiscal year may not exceed thirty-one million seven  
25 hundred thousand dollars (\$31,700,000).

26 ...'

27 **SECTION 6.(b)** G.S. 105-259(b) reads as rewritten:

28 '(b) Disclosure Prohibited. – An officer, an employee, or an agent of the State who has  
29 access to tax information in the course of service to or employment by the State may not disclose  
30 the information to any other person except as provided in this subsection. Standards used or to  
31 be used for the selection of returns for examination and data used or to be used for determining



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Page 2 of 2

the standards may not be disclosed for any purpose. All other tax information may be disclosed only if the disclosure is made for one of the following purposes:

...

(16) To furnish to the Department of Secretary of State the name, address, tax year end, and account and identification numbers of a corporation liable for corporate income or franchise taxes or of a limited liability company liable for a corporate or a partnership tax return to enable the Secretary of State to notify the corporation or the limited liability company of the annual report filing requirement or that its articles of incorporation or articles of organization or its certificate of authority has been suspended.

(16a) To furnish to the Department of the Secretary of State, annually, the following information regarding nonprofit entities receiving a refund of sales and use tax pursuant to G.S. 105-164.14(b): the entity's name, mailing address, email address, and, if applicable, registration number issued by the Secretary of State.

~~(16a)~~(16b) To provide the North Carolina Self-Insurance Security Association information on self-insurers' premiums as determined under G.S. 105-228.5(b), (b1), and (c) for the purpose of collecting the assessments authorized in G.S. 97-133(a).

...!

**SECTION 6.(c)** This section becomes effective January 1, 2021, and applies to requests for refunds submitted on or after that date.".

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_